

MINUTES  
BOARD OF ADJUSTMENT  
MARCH 3, 2016

ROLL CALL:

Liza Streett

Louis Clayton, Planner

Anne Bishop

Kevin Heinz, Acting City Attorney

Mel Disney

Rick Bliss

Chairman Gary Soule

Chairman Soule called the meeting to order at 5:05 p.m.; acknowledging the late start. He welcomed everyone to the meeting and noted that there are two matters up for consideration this evening and that there was a full complement of the Board (5 members) in attendance. All Board members and city staff introduced themselves.

The minutes of the November 5, 2015 meeting were presented for approval. There were a few changes that needed to be made and a clarification was needed pertaining to some information the City Attorney provided regarding extension requests. The Board voted to continue approval of these minutes until the next meeting to give the Planning Technician a chance to review the recording and make the appropriate revisions.

APPEAL FROM JEFF DAY, ARCHITECT ON BEHALF OF TOM AND SARA EIDELMAN, OWNERS, FOR THE PROPERTY AT 7726 MOHAWK PLACE

Chairman Soule verified that the applicant was in attendance.

Those wishing to speak were sworn in by Kathy Scott, Planning Technician/Recording Secretary.

Chairman Soule asked if the City had any exhibits to present.

Acting City Attorney Heinz presented the following exhibits:

1. City of Clayton Code of Ordinances & City Master Plan
2. Zoning Review Application & Denial Letter
3. Application for appeal
4. Drawings submitted by applicant
5. Staff Report

Chairman Soule asked the applicant if he had any objections to these exhibits being made part of the record.

Mr. Day replied "no".

Chairman Soule indicated that these exhibits would be made part of the record.

Mr. Day, referencing the submittal packet which had already been distributed to the members, explained that the Eidelman's have a 4 year old and a 1 year old; that they purchased the property 4 months ago and moved in 1 month ago. He stated that they did some minor interior work prior to their move-in and would like to connect the existing detached garage to the house.

Mel Disney asked if the garage currently has an existing man-door; noting that there was no floor plan included in the submittal, only a site plan.

Mr. Day replied "yes".

Mel Disney asked how the owners will enter the house.

Mr. Day indicated that glass in the sunroom will be converted to a door.

Rick Bliss asked why the garage is situated where it is now.

Mr. Day replied that he did not know; he believes the garage was built for one to two owners ago.

Rick Bliss stated that he spoke with the previous owner of the property who was the one who had the garage/accessory structure built and he understands that it was placed where it is because that was the only place to put it to meet setbacks. He questions if the rules have changed or not (since 1998) but knows that it was not originally connected to the house was because it would not have met setbacks.

Mr. Day stated that things are different because the new owners, the Eidelmans, would like the two structures connected.

Rick Bliss referred to one of the questions on the application referring to practical difficulties and asking if the property can be used for what it is zoned; noting that the answer was "no" but the "why not" was not answered.

Louis Clayton informed Rick that the question is misleading and that the question "can the property be used for what it is zoned" has just been taken out. He advised the members to refer to pages 4 and 5 for the follow-up questions/answers.

Chairman Soule questioned if they were answering "no" to the previous comment.

Louis Clayton indicated that he does not know.

Rick Bliss referred to Page 3 of the staff report, questioning the increase in fire hazard if the two structures are connected.

Mr. Day indicated that he doesn't believe there is an increased fire risk; no more than there is now.

Mel Disney asked what will happen to the existing garage man-door as it will become an interior door.

Mr. Day stated it will be a 1 ¾ solid fire-rated door.

Chairman Soule asked if the existing detached structure meets the setback requirements for accessory structures.

Louis Clayton replied "yes".

Chairman Soule asked if, in staff's opinion, it would be difficult to add a garage onto the existing structure and meet setbacks.

Louis Clayton replied "yes", noting that the existing principal structure already does not meet setback requirements.

Chairman Soule asked if the addition is 118 square feet.

Louis Clayton replied "yes".

Chairman Soule asked if the garage has been in existence since 1998.

Louis Clayton replied "yes".

Chairman Soule asked if, in staff's opinion, this addition will have no negative impact on adjacent properties.

Louis Clayton replied "that is correct".

Chairman Soule asked if this is considered a small addition.

Louis Clayton replied "yes".

Chairman Soule asked if staff agrees that granting this variance would not be a detriment to the public safety and won't impair light or air to adjacent properties or be a safety concern.

Louis Clayton agreed.

Chairman Soule asked if the existing buildings and landscaping will provide visual screening of the addition.

Louis Clayton replied "yes".

Chairman Soule asked if there were any additional comments or questions.

Tom Eidelman, owner, informed the members that his wife works nights at Children's Hospital and the primary reason for this request is to address a security concern.

Chairman Soule asked if there were alternatives considered.

Mr. Day indicated that they explored alternatives; however, the garage can't be put anywhere else.

Hearing no further questions or comments, Chairman Soule called for a motion.

Liza Streett made a motion to approve the requested 25.5-foot variance from the required rear yard setback of 30.5 feet to allow an addition to connect the house and garage. The motion was seconded by Anne Bishop and received the following votes: Ayes: Mel Disney, Liza Streett, Anne Bishop and Chairman Soule. Nays: Rick Bliss.

The motion carried and the variance is granted.

AN APPEAL SUBMITTED BY CHARLES VOELLINGER, OWNER, FOR THE PROPERTY  
AT 606 EAST POLO DRIVE

Chairman Soule asked if the City had any exhibits to present.

Acting City Attorney Heinz presented the following exhibits:

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Chairman Soule asked the applicant if he had any objections to these exhibits being made part of the record.

Mr. Voellinger replied "no".

Chairman Soule indicated that these exhibits would be made part of the record.

Mr. Voellinger asked that the survey he brought with him that highlights the setback lines be marked as an exhibit and entered into the record.

Chairman Soule asked if it was included in the submittal.

Mr. Voellinger indicated that the survey was included, but it was not highlighted. He stated that they bought the house 4 years ago and studied the zoning laws for R-2. He noted that this unique

lot has three “front” yards by Code and one rear yard and that if setbacks were met, the lot would be unbuildable.

Chairman Soule asked about the unique lot (noting the three front yards).

Mr. Voellinger stated that the code does not address three front yards and that it is a unique challenge. He noted that the driveway is right off Hanley Road and leads to a tuck-under, 2-car garage. He stated that they attempted to keep the tuck-under garage and that the remainder of the planned work meets setbacks.

Chairman Soule asked if the lot has an irregular shape as well.

Louis Clayton replied “yes” and reiterated the uniqueness of having three front yards.

Chairman Soule asked if that reduces the buildable area.

Louis Clayton replied “yes”.

Chairman Soule asked if the placement of the house on the lot is challenging as well.

Louis Clayton replied “yes”. He explained that the yard opposite the yard with the lesser street frontage is, by definition, the rear yard; in this case, the front yard functions more as a side yard.

Chairman Soule noted that 17-foot distance from the south property line. He asked if this is a typical side yard for a lot of this size.

Louis Clayton replied “yes”.

Chairman Soule asked if the structure will be partially screened by a wall (along Hanley Road).

Louis Clayton replied “yes”.

Chairman Soule asked if staff believes that air and light will not be negatively impacted by this addition.

Louis Clayton indicated that he was correct.

Liza Streett, referencing Page 5 of the plans {west elevation}, noted the garages face Polo Drive. She asked if any consideration was given to make the doors face south, noting there may be Code issues with a street facing garage.

Mr. Voellinger indicated that Polo Drive is unique due to the lot shapes and that there are 8 or 9 front facing garages.

Chairman Soule asked staff if there is a regulation prohibiting front (street) facing garages.

Louis Clayton replied “not in this neighborhood.” He informed the members that the project will have to go before the City’s Architectural Review Board.

Rick Bliss asked if the Subdivision Trustees have approved the plans.

Mr. Voellinger indicated that one has and the neighbor to the south has.

Chairman Soule asked if the City received any written objections to the proposal.

Louis Clayton replied “no”.

Mel Disney asked about the MSD easement.

Wayne Enderling, architect, stated that a corner of the garage would be at the easement.

Mel Disney stated that if that’s the case, the garage footing would encroach over the easement and that MSD’s approval should be attached to the file.,

Mr. Enderling stated that he met with MSD and the foundation goes straight down.

Mel Disney asked that consideration be given to obtaining written MSD approval.

Kevin Williams, former Clayton resident & Clayton attorney, noted that this property is “super” unique; having 3 front yards and that the rules were not drafted for 3 front yards. He asked that MSD approval not be required as it could possibly significantly delay the project.

Mel Disney stated that he still wants approval from MSD as the footing may be an issue.

Louis Clayton informed the members that before projects are issued permits, setbacks are verified and that it is city policy not to allow permanent structures in easements without approval of the easement holder; in this case, MSD.

Chairman Soule stated that this is an issue that is not addressed here but at the permit phase.

Louis Clayton concurred.

Hearing no further questions or comments, Rick Bliss made a motion to approve the requested variances (an 8-foot variance from the required front yard setback of 18 feet along Hanley Road and a 26.3-foot variance from the required rear yard setback of 43.3 feet). The motion was seconded by Liza Streett and unanimously approved by the Board.

AN APPEAL SUBMITTED BY JACK DEGAGNE, CONSULTANT REPRESENTING  
CAPITAL GRILL, FUTURE TENANT, FOR THE PROPERTY AT 101 SOUTH HANLEY  
ROAD

Jack DeGagne, consultant representing Capital Grill, future tenant, was in attendance at the meeting. Also in attendance were Paul Fuse, building manager (CBRE) and Ted Martin with Capital Grill.

Acting City Attorney Heinz presented the following exhibits:

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Chairman Soule asked the applicant if he had any objections to these exhibits being made part of the record.

Mr. DeGagne replied “no”.

Chairman Soule indicated that these exhibits would be made part of the record.

Mr. DeGagne stated that Capital Grill is very excited to come to Clayton, noting that J. Buck’s recently closed. He stated that the structure is circular which, in terms of design, flow and seat count, doesn’t work for Capital Grill; the major issue being seat count. He noted this will be a fine dining establishment and they want to accommodate as many patrons as possible, adding that customers stay up to two hours to enjoy the fine dining experience; they are not in and out. He stated that he has been with Darden for 16 years and knows them very well and they want everything perfect.

A site plan was presented. Mr. DeGagne stated that the existing structure contains stone columns and all they are proposing to do is square-off the building which requires approval of an 8.4-foot variance (from the 10-foot front yard setback requirement). He stated that they are asking for a Floor Area Ratio (FAR) of 4.76, noting that the current FAR is 4.74; a difference of only 200ths. He concluded by respectfully asking for the approvals.

Mr. Fuse stated that the overall change is to appeal to the Plaza in Clayton and Pierre LaClede buildings. He stated that they are excited about this new tenant.

Mel Disney asked if any alternatives were considered.

Mr. DeGagne indicated that they tried three alternatives but none worked; they couldn’t get the design to meet their standard of excellence to work.

Mel Disney asked about building materials.

Mr. DeGagne stated that they will use materials that complement the existing façade.

Mel Disney asked if the drawing the Board members received is the only one available.

Mr. DeGagne replied “yes”.

Mel Disney commented that more information helps them (the Board) make decisions.

Rick Bliss referred to the application for zoning review.

Louis Clayton stated that Carondelet is where the work is being proposed (demo and rebuild).

Chairman Soule asked what the result would be if the setback was met.

Mr. DeGagne stated that the building would be 650 square feet smaller than proposed.

Chairman Soule asked if the building is already non-conforming with the front yard setback.

Louis Clayton replied “yes”.

Chairman Soule asked if the increase in considered minimal.

Louis Clayton replied “yes”.

Chairman Soule asked for confirmation that it is uncommon for older buildings and Planned Unit Developments to meet established FARs or the 10-foot front yard setback.

Louis Clayton confirmed.

Chairman Soule asked if staff believes that air and light will not be negatively impacted by this proposal.

Louis Clayton indicated that he was correct.

Hearing no further questions or comments, Anne Bishop made a motion to approve the variances as requested. The motion was seconded by Liza Streett and unanimously approved by the Board.

Staff informed the members that there will be a meeting in April.

Chairman Soule indicated that he will be out of town on April 7<sup>th</sup>.

Being no further business for this Board of Adjustment this evening, the meeting adjourned at 6:25 p.m.

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Recording Secretary